

10/027,692

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REMARKS

Claims 1 – 33 are pending in this application. Claims 1 – 12 and 22 – 33 have been withdrawn from consideration.

The specification has been formally amended to correct a typographical error in the spelling of “Sorbertrol”. Applicant respectfully submit that as this amendment is formal in nature, that no new matter is entered in the present application.

Objection to the Specification

The Examiner objects to the disclosure because, in view of Applicants previous response, new matter was introduced when Applicant requested that the statement “[insert protocol #000803]” be replaced with data from the corresponding study. Thus, applicant respectfully cancels the matter corresponding to “protocol #000803” which was submitted in the response dated May 3, 2004. Additionally, the specification is formally amended by this response to strike the objected to statement “[insert Protocol #000803]”. In view of the above remarks and amendment to the specification, applicant respectfully submits that this objection has been satisfied and should be withdrawn.

Claims 13 – 21 are rejected under 35 U.S.C. 112, First Paragraph

Claims 13 – 21 are rejected under 35 USC, first paragraph as failing to comply with the enablement requirement for the reasons stated in the Office Action.

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The Examiner states that Applicant does not teach the component amounts of "Sorbetrol". Applicant inadvertently misspelled "Sorbetrol" and as stated above, the specification has been formally amended to correct the spelling. The correct spelling is "Sorbertrol". Furthermore, Sorbertrol is a commercially available product and applicant respectfully submits that no further discussion regarding the component amounts of Sorbertrol ($\text{H}_2\text{SO}_4 + (\text{NH}_3)_2\text{SO}_4$) need be discussed. In support of this contention, Applicant respectfully submits Exhibit A which includes a copy of a trade brochure from the Magna-Bon Corp., Inc. which commercially produces and sells Sorbertrol. In addition, Exhibit A includes a copy of a Material Safety Data Sheet from the U.S. Department of Labor as well as a copy of a bill of sale and copies of invoices which show that Sorbertrol is commercially sold and available.

In view of the above remarks and in view of the information in Exhibit A, it is respectfully submitted that Claims 13 - 21 are fully enabled by the specification and thus meets the requirement of 35 USC 112, first paragraph. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Should the Examiner have any questions, comments, or feel that a personal discussion might be helpful in advancing this case to allowance and issuance, she is cordially invited to contact Mr. Jack J. Schwartz, Esq. at 1350 Broadway, Suite 1510, New York, New York 10018, telephone number (212) 971-0416, so that the present application can receive an early notice of allowance.

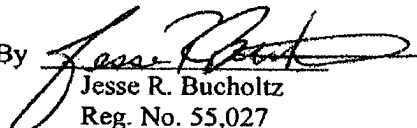
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In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

No fee is believe to be due with this response. If there is a fee due, please charge the fee to Deposit Account 50-2828.

Respectfully submitted,
Robert Cook et al.

By 
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Reg. No. 55,027

Dated: October 8, 2004
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